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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,164	12/18/2001	Albert Alec Talin	CR00-029	6435
23330	7590 09/09/2003			
MOTOROLA, INC. CORPORATE LAW DEPARTMENT - #56-238 3102 NORTH 56TH STREET PHOENIX, AZ 85018			EXAMINER	
			GUHARAY, KARABI	
THOUNDY, F	42 05010		ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

				M
		Application No.	Applicant(s)	
•		10/024,164	TALIN ET AL.	
	Office Action Summary	Examiner	Art Unit	
		Karabi Guharay	2879	
Period fo	The MAILING DATE of this communication or Reply	appears on the cover shee	t with the correspondence ac	ddress
THE   - Exte after - If the - If NC - Failu - Any	ORTENED STATUTORY PERIOD FOR RE MAILING DATE OF THIS COMMUNICATIO nsions of time may be available under the provisions of 37 CFF SIX (6) MONTHS from the mailing date of this communication. e period for reply specified above is less than thirty (30) days, a period for reply is specified above, the maximum statutory per re to reply within the set or extended period for reply will, by state to reply within the set or extended period for reply will, by state to reply received by the Office later than three months after the management of the patent term adjustment. See 37 CFR 1.704(b).	N. t.1.136(a). In no event, however, ma reply within the statutory minimum of iod will apply and will expire SIX (6) I	y a reply be timely filed  thirty (30) days will be considered time MONTHS from the mailing date of this o	ly. communication.
1)	Responsive to communication(s) filed on _	<u> </u>		
2a) <u></u> □	This action is <b>FINAL</b> . 2b)⊠	This action is non-final.		
3) <u>□</u> Dispositi	Since this application is in condition for allo closed in accordance with the practice und on of Claims	owance except for formal ler <i>Ex parte Quayle</i> , 1935	matters, prosecution as to the C.D. 11, 453 O.G. 213.	ne merits is
4)⊠	Claim(s) 1-20 is/are pending in the applicat	ion.		
	4a) Of the above claim(s) is/are witho	rawn from consideration.		
5)[	Claim(s) is/are allowed.			
6)□	Claim(s) is/are rejected.			
7)	Claim(s) is/are objected to.			
	Claim(s) <u>1-20</u> are subject to restriction and/on Papers	or election requirement.		
9) 🗆 -	The specification is objected to by the Exam	ner.		
	The drawing(s) filed on is/are: a)□ ac		v the Examiner.	
	Applicant may not request that any objection to			
11) 🔲 🗆	The proposed drawing correction filed on			er.
	If approved, corrected drawings are required in			
12)[] 7	The oath or declaration is objected to by the	Examiner.		
Priority u	nder 35 U.S.C. §§ 119 and 120			
13)	Acknowledgment is made of a claim for fore	ign priority under 35 U.S.0	C. § 119(a)-(d) or (f).	
a)[	☐ All b)☐ Some * c)☐ None of:			
	1. Certified copies of the priority docume	ents have been received.		
	2. Certified copies of the priority docume	ents have been received in	Application No	
	Copies of the certified copies of the praphication from the International lee the attached detailed Office action for a lie.	Bureau (PCT Rule 17.2(a)	).	Stage
	cknowledgment is made of a claim for dome			annliaation\
_ a)	The translation of the foreign language pucknowledgment is made of a claim for dome	provisional application has	been received.	аррисацоп).
Attachment		. •	·= ··	
2) 🔲 Notice	e of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s	5) Notice	ew Summary (PTO-413) Paper No( of Informal Patent Application (PTO	
. Patent and Tra OL-326 (Re		Action Summary	Part of	Paper No. 3

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## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 17-20 drawn to field emission cathode, classified in class 313, subclass 311.
- II. Claims 1-16, drawn to method for making field emission cathode, classified in class 204, subclass 450.

Inventions of Group I and Group II are related as product and process of making it. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process. For example, the product as claimed can be made as follows: providing a substrate, then mix carbon nanotube particles with the binder to form a paste, then apply the paste on to the substrate.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Douglas Gilmore on 9/5/03 a provisional election was made without traverse to prosecute the invention of group II, claims 1-16. Affirmation of this election must be made by applicant in replying to this

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, Art Unit: 2879

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Office action. Claims17-20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

## **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karabi Guharay whose telephone number is (703) 305-1971. The examiner can normally be reached on Monday-Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (703) 305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

K.G

Karabi Guharay Patent Examiner Art Unit 2879

NIMESHKUMAR D. PATEL SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2800